

WARREN COUNTY COMBINED HEALTH DISTRICT

-HOUSING AND PREMISE MAINTENANCE REGULATIONS-

A REGULATION ESTABLISHING MINIMUM STANDARDS GOVERNING UTILITIES, FACILITIES, DWELLINGS, DWELLING UNITS, AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO MAKING DWELLINGS, AND DWELLING UNITS SAFE, SANITARY, AND FIT FOR HUMAN HABITATION AND USE; ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONDITIONS AND MAINTENANCE OF DWELLINGS, BUILDINGS, STRUCTURES, AND THE PREMISES THEREOF; FIXING CERTAIN RESPONSIBILITIES AND DUTIES OF OWNERS AND OCCUPANTS OF DWELLINGS HOTELS, BUILDINGS, STRUCTURES, AND THE PREMISES THEREOF; FIXING THE POWERS AND DUTIES OF THE HEALTH COMMISSIONER FOR ADMINISTRATION AND ENFORCEMENT OF THIS REGULATION; AUTHORIZING THE INSPECTION OF DWELLINGS, BUILDINGS, STRUCTURES, AND THE PREMISES THEREOF; ESTABLISHING AN APPEAL PROCESS; ESTABLISHING CRITERIA AND AUTHORIZING THE CONDEMNATION, VACATION, AND REMOVAL OF DWELLINGS, BUILDINGS, AND STRUCTURES DETERMINED TO BE UNFIT FOR HUMAN HABITATION AND/OR USE; AND, PROVIDING PENALTIES FOR VIOLATION OF THIS REGULATION.

WHEREAS, within the jurisdiction of the Warren County Combined Health District there are or may be dwellings, buildings, and the premises thereof which are either unfit for human habitation or use; or represent a health and/or safety risk to the occupants or to the public due to inadequate maintenance, obsolescence, or abandonment; contain defects which increase the hazard of fire, accident, or other calamities; and, which by reason of the lack of maintenance, inadequate ventilation, inadequate lighting, the lack of sanitary facilities, or other such conditions render such dwellings, structures, buildings, and the premises thereof unsafe, unsanitary, dangerous or detrimental to the health, safety, and welfare of the people of the Warren County Combined Health District.

By authority of Section 3707.01 and 3709.21 of the Ohio Revised Code, be it therefore resolved and ordered by the Warren County Board of Health as follows:

CHAPTER 1 – GENERAL PROVISIONS

Chapter 1 applies to all structures and premises located within the Warren County Combined Health District regardless of their use or zoning. The Sections within Chapter 1 shall apply to residential, commercial, business, agricultural, or industrial properties. Chapter 1 pertains to the title and scope of this regulation, definitions established for this regulation, the authorization and directive to conduct inspections to determine compliance with the provisions of this regulation, procedures for notification of responsible parties found to be in violation of this regulation, establishing a general provision for unforeseen health or safety problems not identified by this regulation, establishing an emergency provision for dealing with immediate threat situations, limiting personal liability of health department staff in enforcing this regulation, establishing a procedure for handling false complaints, and establishing due process for parties affected by this regulation.

SECTION 1 – TITLE AND SCOPE

1.1 - The provisions embraced within the following chapters and sections shall constitute and be known and may be cited as “The Housing and Premise Maintenance Regulation for Warren County, Ohio, Combined Health District”, hereafter referred to as “this regulation”.

1.2 - This regulation is hereby declared to be remedial, and has been adopted as such to secure the beneficial interests and purposes thereof - which are health and general welfare - through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, buildings, structures or the premises thereof.

1.3 - Every dwelling, building, structure, or the premises thereof, shall conform to the respective requirements of this regulation irrespective of the primary use of such building, and irrespective of when such building may have been constructed, altered or repaired. This regulation establishes minimum standards for occupancy and use, and does not replace or modify standards otherwise established for construction, replacement or repair of buildings, or facilities, which may be enacted or enforced by other agencies.

1.4 - The respective provisions of this regulation shall apply to any dwelling building, structure, or the premises thereof, irrespective of when said building was constructed, altered or repaired, or said lot was created.

1.5 - All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this regulation in a building when erected, altered, or repaired, shall be maintained in good working order. The owner shall be responsible for the maintenance of buildings, structures and premises to the extent such responsibility is assigned to such owner in this regulation. The occupant shall be responsible for the maintenance of buildings, structures and premises to the extent such responsibility is assigned to such occupant in this regulation. The owner of the premises may be charged for failure to assure that its occupants maintain compliance with this regulation.

SECTION 2 – DEFINITIONS

2.1 - Alter or Alteration shall mean any change or modification in construction or occupancy.

2.2 - Approved shall mean approved by the Health Commissioner in accordance with the rules

and regulations established herein.

- 2.3 - Basement or Cellar shall mean that portion of a building which is partly underground and which has one-half or more of its clear floor-to-ceiling height below the average finish grade of the adjoining ground.
- 2.4 - Bath shall mean a bathtub or shower stall.
- 2.5 - Building shall mean any structure built for the support, shelter, use or enclosure of persons, animals, equipment, etc., or the premises thereof, whether occupied or unoccupied. The term "building" shall be construed to mean as if followed by the words "or part thereof".
- 2.6 - Closed Storage shall mean a physical structure or enclosure which obscures the view of the contents contained therein, such as a shed, barn, garage, a privacy fence, or a tarpaulin or opaque cover acceptable to the Health Commissioner.
- 2.7 - Compost shall mean a mixture that consists largely of decayed organic matter and is used for the fertilization and conditioning of land. For the purpose of these regulations compost does not include composting done that falls under the jurisdiction of the Ohio Environmental Protection Agency.
- 2.8 - Dwelling, Dwelling Units, Multi-Family Dwellings, and Hotels shall mean any residential building, structure, or enclosure which is wholly or partly used or intended to be used for living or sleeping by human occupants, including mobile homes, recreational vehicles, and "temporary housing" as hereinafter defined by this regulation, whether or not such building, structure, etc. is occupied or vacant.
- 2.9 - Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Ohio Department of Agriculture.
- 2.10 - Family shall mean one or more persons related by blood, adoption, or marriage, or a family foster home, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding three, living and cooking together as a single housekeeping unit, though not related by blood, adoption, or marriage, shall also be deemed to constitute a family.
- 2.11 - Garbage shall mean all putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food; as well as all putrescible organic matter associated with pet and wild animal carcasses or the accumulation of feces and urine from pets.
- 2.12 - Good Repair of Paint – Shall mean free from flaking, peeling, or chipping.
- 2.13 - Habitable Room shall mean a room or enclosed floor space, used or intended to be used, for living, sleeping or eating purposes, excluding kitchens, bathrooms, toilet rooms, laundries, pantries, dressing rooms, storage spaces, foyers, hallways, utility rooms, heater rooms, furnace rooms or boiler rooms.
- 2.14 - Health Commissioner shall mean the legally designated individual hired by the Warren County Board of Health to administer the Warren County Combined Health District on the

Board's behalf and charged with the administration and enforcement of this regulation. Health Commissioner, for the purposes of this regulation, shall also apply to the registered sanitarian or sanitarian-in-training, or other agent(s) employed by the Warren County Combined Health District and duly designated as the Health Commissioner's representative in enforcing this regulation.

- 2.15 - Heating Equipment** shall mean any equipment designated, used, and intended to be used to supply heat for a dwelling structure.
- 2.16 - Infestation** shall mean the presence, within or around, a dwelling or the premises thereof, of any insects, rodents, or other pests suspected of or having public health significance including but not limited to cockroaches, flies, fleas, mice, rats, bats, etc.
- 2.17- Non-Dwelling Structure** shall mean any structure used or intended to be used for the shelter or enclosure of any animal or property of any kind.
- 2.18 - Occupant** shall mean any person, over one (1) year of age, living, sleeping, or eating in, or having actual possession of a dwelling unit or rooming unit, with or without the written permission of the owner.
- 2.19 - Operator** shall mean any person who has charge, care, management, or control, whether as owner, manager, executor, administrator, trustee, guardian, receiver, or otherwise, of a building, dwelling, structure, or parts thereof in which dwelling units, or rooms are let.
- 2.20 - Owner** shall mean any person who, alone or jointly, or severally with others; (a) shall have legal title to any dwelling, building, structure, or property with or without accompanying actual possession thereof; or (b) shall have charge, care, or control of any property and the structures thereon, as agent of a person having legal title, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of a person having legal title.
- 2.21 - Person** shall mean and include any individual, firm, corporation, association, or partnership.
- 2.22 - Plumbing** shall mean the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of the following supply facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewage, or gas lines.
- 2.23 - Premises** shall mean a platted lot or parts thereof or parcel of land or plot of land, either occupied or unoccupied by any dwelling or structure, and including any dwelling or structure thereon, being either residential, agricultural, business, commercial, or industrial in nature.
- 2.24 - Public Areas** shall mean an unoccupied open space or area, within or adjoining a building, that is freely accessible to all the occupants of the dwelling, dwelling unit, multi-family dwelling, hotel, rooming unit, building, or structure.
- 2.25 - Repair** means the replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations, or that would be in violation

of a provision of law or regulation. The term "Repair" or "Repairs" shall not apply to any change of construction.

- 2.26 - Residential Occupancy shall mean buildings in which families or households live or in which sleeping accommodations are provided, including dormitories. Such buildings shall include, but not be limited to, dwellings.
- 2.27 - Rubbish or Refuse shall mean combustible and non-combustible waste materials except garbage, and the term shall include, but not be limited to the residue from the burning of wood, coal, coke, and other combustible material; paper; rags; cartons; boxes; rubber; leather; tree branches; glass; crockery; dust; scrap metal; junk; material to be recycled; scrap building materials; tires without rims, tire rims, etc.
- 2.28 - Stairway shall mean one or more flights of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story (level) to another in a dwelling.
- 2.29 - Structure shall mean any building, either residential, agricultural, business, commercial or industrial in nature, occupied or unoccupied, or any part thereof.
- 2.30 - Supplied shall mean paid for, furnished, or provided by or under the control of, the owner or operator.
- 2.31 - Temporary Housing shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.
- 2.32 - Use of Adjectives: All adjectives and adverbs such as adequate, approved, clean, convenient, effectively, good, sanitary, satisfactory, sufficient, safe, or suitable, used in this regulation to qualify a person, utensils, equipment, or structure, shall be determined by the Health Commissioner.
- 2.33 - Ventilation shall mean the process of supplying and removing air by natural or mechanical means to or from any space.
- 2.34 - Warren County Combined Health District shall mean the legal jurisdiction of the Warren County Combined Health District or the Administration and Staff of the Warren County Board of Health.
- 2.35 - Water Closet or Toilet shall mean a bowl and trap made in one piece which is of such shape and form and which holds a sufficient quantity of water so that no human wastes will collect on the surface of the bowl and which is equipped with flushing rims which permit the bowl to be properly flushed and secured when water is discharging through the flushing rims.
- 2.36 - Words, Meaning of Certain: When the words "Dwelling", "Dwelling Unit", "Building", "Structure", "Premise", etc. are used in this regulation, they shall be construed as though they were followed by the words "or any part thereof".
- 2.37 - Yard shall mean all grounds, lawn, court, gardens, walk, driveway, parking lot, or other open space constituting part of the same premises of a dwelling, building, business, or structure.

SECTION 3 – AUTHORIZATION FOR INSPECTIONS

3.1 - The Health Commissioner or his designated representative is hereby authorized and directed to, upon receipt of a complaint, make inspections to determine the condition of dwellings, buildings, structures and premises located within the Warren County Combined Health District, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings, structures, or premises, and of the general public.

3.2 - For the purpose of making such inspections, the Health Commissioner or his designated representative is hereby authorized to enter, examine and survey at any reasonable time all dwellings, structures, buildings, non-dwelling structures, and premises. The owner or occupant shall give the Health Commissioner or his designated representative free access for the purpose of such inspection, examination, or survey to determine the validity of the complaint.

3.3 - Every occupant of a dwelling, building, structure, or premise shall give the owner thereof, or his agent or employee, access at any reasonable times for the purpose of making such repairs or alterations as are necessary to affect compliance with the respective provisions of this regulation, or with any lawful rule or regulation adopted or any lawful order issued to the provisions of this regulation.

3.4 - The owner, his designated agent, or employee shall provide written notice of his intent to enter the dwelling, building, structure, or premise at least 24 hours in advance of entering, unless the occupant authorizes earlier entry.

SECTION 4 – NOTIFICATION OF VIOLATION

4.1 - Whenever the health commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this regulation or of any rule or law adopted pursuant thereto, he shall give notice of such alleged violation to the owner and/or occupant and such alleged violation shall constitute a nuisance. Such notice shall:

- a. Be put in writing;
- b. Include a statement of the reasons why it is being issued;
- c. Allow a reasonable time for the performance of any act it requires; and
- d. State that, if such repairs, reconstruction, alterations, removal or demolition are not voluntarily completed within the stated time as set forth in the notice, the Health Commissioner shall institute such legal proceedings charging the person or persons, firm, corporation, or agent with a violation of this regulation.

4.2 - Service of notice shall be as follows:

- a. By personal service upon the owner and/or occupant, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- b. By mailing the notice with the United States Post Office by ordinary mail addressed to the owner and/or occupant at the last known address with postage prepaid thereon; or
- c. By posting and keeping posted for twenty-four (24) hours a copy of the notice in a conspicuous place on the premises found to be in violation of this regulation.

SECTION 5 – UNFORESEEN HEALTH OR SAFETY PROBLEMS

5.1 - Any corrective measure, not specifically covered by this regulation, found necessary to protect the health or general welfare of the occupant of any dwelling, structure, building or premises; or of the general public may be required in writing by the Health Commissioner, and a

violation of such requirement shall constitute a violation of this regulation. Any such requirement shall be subject to appeal to the Board of Health of the Warren County Combined Health District.

SECTION 6 – FALSE COMPLAINTS

6.1 - The Health Commissioner or his designated representative shall evaluate all complaints received prior to conducting an inspection of the alleged violation. The Health Commissioner or his designated representative shall have the authority to refuse to respond to a complaint allegation when previous responses have proven the allegation to be false.

CHAPTER 2 – RESIDENTIAL PROPERTIES GENERALLY

Chapter 2 shall pertain to all dwellings, and the premises thereof. It establishes minimum housing standards and does not apply to business, commercial, agricultural or industrial properties. It also establishes minimum housing standards for sanitary facilities and plumbing, heating and ventilation, gas piping and appliances, lighting and electrical, interior and exterior structure, insect and rodent control, refuse and garbage disposal, and sets forth the responsibilities of the owner and of the tenant or occupant.

SECTION 1 - SANITARY FACILITIES AND PLUMBING STANDARDS

1.1 - All sanitary fixtures and plumbing shall be properly trapped and vented in accordance with the Ohio Plumbing Code.

1.2 - The waste line of every water-using fixture shall drain freely without obstruction or leaks. Said waste line shall be properly connected to a public sewer or to a properly functioning private sewage system.

1.3 - All plumbing shall be so designed and installed as to prevent contamination of the water supply through back flow, back siphon and any other method of contamination.

1.4 - All plumbing shall be designed and installed so that no potable water supply line or plumbing fixture is directly connected to a non-potable water supply; and there is no possibility of a cross connection between a potable and non-potable water supply.

1.5 - All dwellings, shall be connected to an approved private, non-community, transient, or public water supply and a sufficient supply of potable water must be available at each fixture at all times.

1.6 - Every water supply inlet shall be located above the flood level of any installed sink, lavatory, basin, bathtub or automatic washing machine and similar water-using device or fixture, or above some obstruction-free overflow thereof. No inlets shall be submerged unless installed with a vacuum breaker of a type in compliance with the Ohio Plumbing Code.

1.7 - Every water supply line and every valve therein shall be in a good working condition.

1.8 - All plumbing and plumbing fixtures shall be maintained in good working condition and all plumbing fixtures shall be kept clean.

1.9 - Every occupant of a dwelling shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

1.10 - Every dwelling shall contain not less than a kitchen sink, lavatory, bathtub or shower and a flush water closet all in good working condition.

1.11 - Every dwelling shall contain a room which affords privacy to a person within said room and which is equipped with flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Health Commissioner.

1.12 - Every dwelling shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Health Commissioner.

1.13 - Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of this regulation and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees F (+ or - 3 degrees F). Such supplied water-heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit heating facilities required under the provisions of this regulation are not in operation.

1.14 - Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this regulation shall be properly connected with both hot and cold water lines, providing both hot and cold water at each faucet on the above fixtures.

1.15 - Water pressure shall be adequate to permit a continuous flow of water from all open water faucets at all times, except when water is not available due to a malicious or negligent act by the tenant or any cause beyond the owner's control.

SECTION 2 - HEATING AND VENTILATION STANDARDS

2.1 - The owner, operator or agent in charge of a multi-family dwelling, rooming house, or hotel who rents or leases any dwelling unit or rooming unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain an inside temperature of not less than seventy degrees Fahrenheit (70°F) (+ or - 3°F) in all habitable rooms, bathrooms and toilet rooms whenever the outside temperature falls below fifty degrees Fahrenheit (50°F). The provisions of this section shall not apply where the failure to meet minimum standards is caused by a general shortage of fuel, a negligent or malicious act of the occupant or any cause beyond the control of the owner or occupant.

2.2 - Every dwelling shall have heating facilities which are properly installed and are maintained in a safe and good working condition. Said heating system shall be capable of heating all habitable rooms, bathrooms, toilet rooms, and kitchens to an inside temperature of not less than 70°F (+ or - 3°F) when the outside temperature falls below 50°F.

2.3 - When the dwelling or is heated by a central heating system:

- a. The central heating unit shall be in good operating condition.
- b. Every heat duct, steam pipe, and hot water pipe shall be free of leaks and function so that adequate heat is delivered where intended.
- c. Every seal between the sections of a hot air furnace shall be in good repair.

2.4 - When the dwelling is heated by space heaters:

- a. Every space heater burning solid, liquid or gaseous fuels shall be properly vented to a chimney, or to an approved duct leading to an outdoor space.
- b. Every solid fuel burning space heater shall have a fire resistant panel beneath it.
- c. Every space heater located close to a wall shall be equipped with insulation sufficient to prevent overheating of the wall.
- d. Every space heater smoke pipe shall be equipped with guards made of metal or other nonflammable material at the point where the pipe goes through the wall, ceiling or partition.

2.5 - There shall be no portable heaters burning solid, liquid, or gaseous fuel, only portable electric heaters shall be used. The use of portable heaters burning solid, liquid, or gaseous fuel shall be restricted to emergency use only, when the normal heating system is temporarily non-functioning.

2.6 - Every smoke pipe and every chimney shall be adequately constructed and supported, reasonably clean and maintained in such condition that there will be no leakage or backing up of noxious gases.

SECTION 3 – LIGHTING AND ELECTRICAL STANDARDS

3.1 - Every dwelling, and non-dwelling structure shall be connected to a public electric utility in an approved manner and electricity shall be provided at all receptacles and fixtures at all times, except when electricity is not available due to a malicious or negligent act by the tenant or occupant, or any cause beyond the owner's control.

3.2 - Electric wiring and facilities shall be maintained in a good and safe state of repair observing the following requirements:

- a. Every exposed electric wire shall have insulation which is in good condition.
- b. Every switch plate and outlet plate shall be properly fastened in place.
- c. No short circuit or break shall exist in any electric line.
- d. Every fixture and outlet shall function properly and should be properly fastened in place.
- e. No obvious shock hazard shall exist.
- f. No temporary wiring shall be used, except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie underneath floor covering materials or extend through doorways, transoms, or other similar apertures or through structural elements and shall not be permanently fastened in place.
- g. No electric circuit shall be overloaded as a result of connecting appliances which operate at high wattage to outlets supplied with wire of inadequate size.
- h. The minimum capacity of the service supply and the main disconnect switch shall be sufficient to adequately carry the total load required to prevent an electrical hazard.

3.4 - Every public hall and stairway in every multiple-family dwelling containing two or more dwelling units shall be adequately lighted at all times. Said lighting system may be supplied with conveniently located light switches, controlling adequate light which may be turned on when needed, instead of full-time lighting. On dwelling units supplied with porches, stoops, or other appurtenances (used in the manner of porches and stoops) there shall be supplied a conveniently located light fixture, emitting adequate light, and in proper working order.

3.5 - There shall be available an electrical shut-off switch in each dwelling unit, accessible to the occupant.

SECTION 4 - INTERIOR AND EXTERIOR STRUCTURE STANDARDS

- 4.1 -** Every foundation, floor, exterior wall, window frame, door frame and roof shall be reasonably weather tight, watertight, rodent proof, and insect proof, and shall be kept in a reasonably good state of maintenance and repair
- 4.2 -** The floor in any room that has a water closet, toilet, or bath shall be maintained to prevent the accumulation of water or sewage.
- 4.3 -** Every window, exterior door, and basement hatchway shall be securable.
- 4.4 -** Any existing paint which is found to contain lead, must be either maintained in good repair or removed in accordance with established safety and environmental protocols.
- 4.5 -** All exterior wood surfaces shall be reasonably protected from the elements and against decay by paint or other approved protective coating. No paint shall be used for the exterior painting of any dwelling unless the paint is free of any lead pigments. Any existing paint which is found to contain lead must be either maintained in good repair or removed in accordance with established safety and environmental protocols.
- 4.6 -** Roofs, eaves, and gutters shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building or become a harborage for mosquitoes.
- 4.7 -** Drain gutters and downspouts shall be so constructed and maintained so that rain water shall be conveyed away from the roof, exterior walls, and foundation. The sanitary sewer or sewer line to a septic tank shall not be used for this purpose.

SECTION 5 – INSECT, RODENT, AND OTHER PEST CONTROL STANDARDS

- 5.1 -** Every foundation, wall, roof, window, exterior door, basement, hatchway and every other entrance way or point of entry shall be so maintained as to prevent the structure from becoming a harborage for rodents, birds, bats and other pests and shall be kept in a reasonably good state of repair.
- 5.2 -** Every basement cellar window or foundation opening used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, bats and other pests shall be supplied with a heavy wire screen or such other device as will effectively prevent their entrance.
- 5.3 -** During that portion of each year when the Health Commissioner deems it necessary for protection against bats, mosquitoes, flies, and other insects, every door opening directly to an outdoor space, and every window or other device with openings to outdoor space, shall be supplied with screens.
- 5.4 -** Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. Whenever the infestation exists in one or more of the dwelling units in any multi-family dwelling, or in the shared or public parts of any multi-family dwelling, extermination thereof shall be the responsibility of the owner. All pest control will be carried out following the applicable laws for pesticide application in the State of Ohio and the rules and regulations of the Ohio Department of Agriculture.

SECTION 6 – REFUSE, GARBAGE AND RECYCLING DISPOSAL STANDARDS

6.1 - Adequate refuse, garbage and/or recycling storage and/or disposal containers shall be provided. Containers must be closable with a lid to reduce the potential of contents being disturbed by wildlife or environmental factors such as wind. This regulation is for the storage of garbage between routine garbage pickup.

6.2 - Every occupant of a dwelling shall dispose of all his garbage and recyclable material by placing it in the rubbish and garbage storage or disposal containers required by Chapter 2, Section 6.1 of this regulation.

6.3 - It shall be the responsibility of the owner to supply adequate refuse, garbage and recycling disposal containers for any multi-family dwellings containing four or more dwelling units per building. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

6.4 - All refuse, garbage and recyclable material shall be picked up or transported to an approved solid waste disposal facility at least once every seven (7) days or according to the approved contract schedule for waste collection, except when a commercial waste container is being utilized for rubbish collection and no garbage is placed therein.

SECTION 7 – RESPONSIBILITIES OF THE OWNER AND THE OCCUPANT

7.1 - No owner shall occupy or let to another for occupancy or allow any other person to occupy any vacant dwelling, unless it is reasonably clean, sanitary and in compliance with all provisions of this regulation and all rules and regulations adopted pursuant thereto.

7.2 - No owner, operator, tenant, or occupant shall cause any service, facility, equipment, or utility, which is required under this regulation, to be removed from, or shut off from, or discontinued from any occupied dwelling let or occupied by him, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Health Commissioner.

7.3 - Every owner of a multi-family dwelling containing two or more dwelling units shall be responsible for maintaining in a clean, safe, and sanitary condition the shared or public areas of the dwelling and premises thereof.

7.4 - Every occupant of a dwelling or shall keep in a clean, safe, and sanitary condition that part of the dwelling, dwelling unit, rooming unit, and premises thereof which he occupies and controls.

7.5 - Every supplied facility, piece of equipment, or utility which is required under this regulation shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition by the owner. The owner shall not, however, be held responsible for accidental or malicious damage done by the tenant or occupant unless the dwelling has been vacated.

7.6 - All appliances for cooking, refrigeration, garbage disposal, and dishwashing shall be maintained in a safe and good working condition. If the appliance is provided by the owner, repair and maintenance of the appliance shall be the responsibility of the owner. If the appliance is provided by the tenant, repair and maintenance of the appliance shall be the responsibility of the tenant. The owners shall not be held responsible for accidental or malicious damage done by the tenant or occupant.

7.7 - Every dwelling must be identified with permanent numerals or letters placed on or near the front entrance for identification purposes. The owner shall be responsible for completing and maintaining this requirement.

7.8 - The Warren County Combined Health District shall not act on any complaint regarding maintenance problems unless and until the tenant or occupant has reported the maintenance problem to the owner or the designated manager and afforded the owner a reasonable time period to correct the problem.

CHAPTER 3 – ALL PROPERTIES

Chapter 3 applies to all structures and premises located within the Warren County Combined Health District regardless of their use or zoning. The Sections within Chapter 3 shall apply to residential, commercial, business, agricultural, or industrial properties. Chapter 3 establishes minimum standards for premise and lot maintenance, criteria for the condemnation of dwellings, buildings, and structures as unfit for human habitation and/or use, procedures for notification of responsible parties when condemnation action is taken, the time period for condemned structures to be vacated, placarding requirements for condemned structures, a directive for pursuing legal action and through due process the authorization for the demolition and removal of dilapidated structures deemed to present a threat to the public's health or safety, authorization to establish fees should the Board of Health choose to do so, a penalty provision for failing to comply with this regulation, a reaffirmation of the right of appeal and due process available to any person affected or aggrieved by this regulation, repeal provisions, and an unconstitutionality clause.

SECTION 1 – PREMISE AND LOT MAINTENANCE STANDARDS

1.1 - Every premise and lot shall be graded and maintained so no water will accumulate or stand on the premise or within any building or structure located on the premises, such that said open water-holding container, abandoned pool or ponding surface water becomes a nuisance or insect harborage area. This provision excludes ponds constructed on properties for aesthetics, recreation, or storm water retention/detention and that do not create an environment for mosquito harborage.

1.2 - No person shall abandon, discard, or knowingly permit to remain on his premises any abandoned or discarded refrigerator, freezer, or other airtight or semi-airtight container without rendering said container harmless to human life by removing such hinges, latches, or other hardware which may cause a person to be confined therein. Open storage of such devices is prohibited under any circumstances.

1.3 - No person shall maintain any open excavation, open foundation, pit, well, or tank on their premises which represents a safety or entrapment hazard to any person.

1.4 - No person shall place, or allow remaining on their premises, a carcass of a dead animal or any parts thereof. This provision excludes wild game animals or agricultural animals undergoing processing for consumption by the owner/occupant, during a reasonable processing phase. This does not pertain to animals that have been properly buried.

1.5 - No person shall maintain a compost pile on their premises that is not properly managed, whereby noxious odors or offensive smells are generated or whereby the compost pile becomes a rodent harborage area.

1.6 - No person shall allow the feces of domestic animals to collect or remain on their

premises whereby noxious odors or offensive smells are generated.

1.7 - It shall be unlawful for the owner, tenant, or occupant of any lot, premise or property to utilize the property for the open storage of any, tires, appliances, building materials, building refuse, or similar items, unless the property houses a business that is zoned and/or has a permit to do so as an integral part of that business. It shall be the duty and responsibility of every such owner, tenant, or occupant to keep the premises of such property clean and to remove from the property all such abandoned items as listed above, including but not limited to trash, garbage, etc. upon notice from the Health Commissioner or his designated representative.

1.8 - Every property, whether residential, commercial, agricultural, business, or industrial, that generates refuse or garbage, shall have adequate solid waste receptacles to contain all of the generated refuse or garbage between scheduled pick-ups, without creating a nuisance. Additionally, the contents of waste receptacles shall be collected on a regular basis to prevent a public health nuisance.

SECTION 2 – CRITERIA AND AUTHORIZATION FOR CONDEMNATION

2.1 - Any dwelling or structure which shall be found to have any of the following defects shall be condemned as unfit for human habitation and use, and shall be so designated and placarded by the Health Commissioner.

- a. One which is so damaged, decayed, dilapidated, deteriorated, unsanitary, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- b. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- c. One which because of its general condition or location is unsanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

SECTION 3 – LEGAL PROCEDURES FOR CONDEMNATION/NOTIFICATION OF RESPONSIBLE PARTIES

3.1 - Whenever the Health Commissioner has declared a dwelling building or structure constitutes a nuisance, he shall give notice to the owner of such declaration of the dwelling or structure as unfit for human habitation or use. Such notice shall:

- a. Be in writing;
- b. Include a description of the real estate sufficient for identification;
- c. State the time occupants must vacate the dwelling units;
- d. State that if such repairs, reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the Health Commissioner shall institute such legal proceedings charging the owner and/or occupant with a violation of this regulation.
- e. State violations and corrective measures.

3.2 - Service of notice to vacate shall be as follows:

- a. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- b. By depositing the notice in the United States Post Office addressed to the owner at this last known address with postage prepaid thereon; or
- c. By posting and keeping posted for twenty-four (24) hours a copy of the notice to vacate in placard form in a conspicuous place on the premises to be vacated.

3.3 - Any dwelling or structure condemned as unfit for human habitation or use and so designated by the Health Commissioner, shall be vacated within thirty (30) days after notice of such condemnation has been given by the Health Commissioner to the owner and/or occupant of the building

SECTION 4 – REMOVAL OF PLACARDS

4.1 - No dwelling, building, or structure which has been condemned and placarded as unfit for human habitation or use shall again be used for human habitation or use until approval is secured from and such placarding is removed by the Health Commissioner or designee. The Health Commissioner or designee shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

4.2 - No person shall deface or remove the placard from any dwelling, building, or structure which has been condemned as unfit for human habitation and placarded as such, except as provided in Chapter 4, Section 4.1.

SECTION 5 – DEMOLITION AND REMOVAL OF DILAPIDATED STRUCTURES

5.1 - Any dwelling, building or structure that has been condemned and has been determined to represent a threat to the public's health or safety, due to its dilapidated condition, shall be ordered to be demolished. Failure on the part of the owner to demolish said dwelling or structure in compliance with this order will result in the matter being presented to the Warren County Prosecutor's Office to seek the legal authorization for the Warren County Combined Health District to demolish the structure to remove the health and safety threat it poses, and to assess the full cost thereof against the property in the manner authorized by law for the abatement of nuisances by governmental action.

SECTION 6 – FEES

The Board of Health shall establish by resolution any fees deemed necessary to carry out the requirements of this regulation.

SECTION 7 – PENALTIES

7.1 - Any person, who fails to comply with any requirement of this regulation or any order issued pursuant thereto, shall be subject to the penalties set forth in the Ohio Revised Code and any other administrative and/or civil action which may be deemed appropriate by the Warren County Combined Health District. Further, any person who violates or causes to be violated any of the requirements set forth in this regulation, shall be subject to the penalties provided for in Section 3707.99 of the Ohio Revised Code.

Whoever violates Section 3707.48 of the Ohio Revised Code shall be guilty of a minor is demeanor on a first offense; and of a misdemeanor of the fourth degree on each subsequent offense.

CHAPTER 4 – OTHER PROVISIONS

SECTION 1 – CONFLICTS OF LAW

1.1 - All previously adopted rules and regulations of the Board of Health concerning the subjects addressed by regulations are hereby repealed to the extent that they are in conflict with

these regulations.

SECTION 2 – SEVERABILITY CLAUSE

2.1 - If any provision of these regulations is for any reason found to be unenforceable by a court of competent jurisdiction, the remainder of these regulations shall remain in full force and effect, and shall be construed to effectuate the intent of these regulations to the maximum possible extent.

SECTION 3 – EMERGENCY PROVISION

3.1 - Whenever the Health Commissioner finds that an emergency exists which requires immediate action to protect the presents a clear and present danger to public health, he may, without notice or hearing, issue an order describing the nature of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Such order shall be identified on its face as an emergency order issued pursuant to Section 6 of this regulation. Notwithstanding the other provisions of this regulation, such order shall be effective immediately, and may be enforced by legal action in a court of competent jurisdiction.

SECTION 4 – RIGHT OF APPEAL

4.1- Any person affected by any notice which has been issued in connection with the enforcement of any provision of this regulation, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Health Commissioner provided that such person shall file in the office of the Health Commissioner a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the day the notice was served. Upon receipt of such petition the Health Commissioner shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the date on which the petition was filed; provided that upon application of the petitioner the Health Commissioner may postpone the date of the hearing for a reasonable time beyond such 10 day period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.

4.2 - After such hearing the Health Commissioner shall sustain, modify, or withdraw the notice, depending upon his finding as to whether the provisions of this regulation and the rules and regulations adopted pursuant thereto have been complied with. Notice of the decision of the Health Commissioner shall be provided to the affected person in writing.

4.3 - After receipt of notice of the Health Commissioner's decision, the petitioner may be granted an appeal before the Board of Health at its next regular meeting if such request is submitted in writing within thirty days after service of the decision of the Health Commissioner.

4.4 - The proceedings at a hearing before the Health Commissioner or an appeal before the Board of Health, including the findings and decision of the Health Commissioner, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Health Commissioner. Such record shall also include a copy of every notice or order issued in connection with the matter.

Adopted by the Board of Health of the Warren County Combined Health District this 20th day of July, 1999.

Effective date August 9, 1999.

07/20/1999

Date

(Signature on File in Adm. Office)

Donald Christianson, O.D.
President, Warren County Board of Health

07/20/1999

Date

(Signature on File in Adm. Office)

George T. Reed, D.V.M.
Warren County Health Commissioner

Chapter 2, Section 6.6: 'Residential Properties Generally' amended by the Board of Health of the Warren County Combined Health District this 21st day of December, 2010 by Motion #133-2010.
Effective Date: January 14, 2011.

Copies of the incorporated laws and rules are on file with the Health Commissioner and in the County Law Library.

12/21/2010

Date

(Signature on File in Adm. Office)

John Wade, President
Warren County Board of Health

12/21/2010

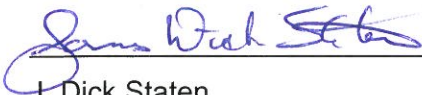
Date

(Signature on File in Adm. Office)

Duane Stansbury, R.S., M.P.H.
Warren County Health Commissioner

ADOPTED BY THE BOARD OF HEALTH OF WARREN COUNTY, STATE OF OHIO
THIS 20TH DAY OF SEPTEMBER, 2016 AND TO BECOME EFFECTIVE JANUARY 1, 2017.

Warren County Board of Health motion # 78-2016



J. Dick Staten

President, Warren County Board of Health



Duane Stansbury, R.S., M.P.H.

Health Commissioner

Copies of the incorporated laws and rules are on file in the Health Commissioner's office and in the County Law Library.